



Senate

General Assembly

File No. 543

January Session, 2005

Substitute Senate Bill No. 516

Senate, April 27, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE PENALTY FOR CRUELTY TO PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-20 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) (1) Any person who intentionally tortures, torments [,] or cruelly
4 or unlawfully punishes [or wilfully or negligently] another person or
5 intentionally deprives [any] another person of necessary food,
6 clothing, shelter or proper physical care [; and any] shall be fined not
7 more than five thousand dollars or imprisoned not more than five
8 years or both.

9 (2) Any person who, with criminal negligence, deprives another
10 person of necessary food, clothing, shelter or proper physical care shall
11 be fined not more than five hundred dollars or imprisoned not more
12 than one year or both.

13 (b) (1) Any person who, having the control and custody of any child

14 under the age of [sixteen] nineteen years, in any capacity whatsoever,
15 intentionally maltreats, tortures, overworks [,] or cruelly or unlawfully
16 punishes such child or [wilfully or negligently] intentionally deprives
17 such child of necessary food, clothing [,] or shelter shall be fined not
18 more than five thousand dollars or imprisoned not more than five
19 years or both.

20 (2) Any person who, having the control and custody of any child
21 under the age of nineteen years, in any capacity whatsoever, with
22 criminal negligence, deprives such child of necessary food, clothing or
23 shelter shall be fined not more than five hundred dollars or
24 imprisoned not more than one year or both.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2005	53-20
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JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the crime of cruelty to persons and increases the penalties that may be imposed on any person convicted of the crime. There are about twenty convictions annually under the current statute; eighteen individuals are on probation under this statute, and no one is presently incarcerated.

To the extent that the bill's changes increase the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

OLR Bill Analysis

sSB 516

AN ACT CONCERNING THE PENALTY FOR CRUELTY TO PERSONS**SUMMARY:**

This bill sets graduated penalties for the crime of cruelty to persons, which is currently punishable by a fine of up to \$500, imprisonment for up to one year, or both. It imposes stiffer penalties for more serious, intentional misconduct. Current law does not distinguish between the nature of the criminal conduct or the actor's state of mind, and it limits the scope of custodial cruelty to youngsters to cases where the victim is age 15 or younger.

EFFECTIVE DATE: October 1, 2005

CRUELTY TO PERSONS

Under the bill, a person is subject to a fine of up to \$5,000, imprisonment of up to five years, or both when he intentionally:

1. tortures, torments, or cruelly or unlawfully punishes another person or deprives him of necessary food, clothing, shelter, or proper physical care; or
2. mistreats, tortures, overworks, or cruelly or unlawfully punishes a minor under his custody or control in any capacity whatsoever.

A person is subject to the current law's penalties when he is criminally negligent and:

1. deprives another person of necessary food, clothing, shelter, or proper physical care; or
2. deprives any minor under his custody or control in any capacity whatsoever of necessary food, clothing, or shelter.

BACKGROUND

Criminal Negligence

A person acts with “criminal negligence” with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 1